REMARKS/ARGUMENTS

This application has been carefully considered in light of the Examiner's Office Action dated October 5, 2007 (the "Office Action"). Reconsideration and allowance are respectfully requested in view of the following.

Summary of Rejections

Claims 1-2, 4-6, 10-20 and 29 were pending at the time of the Final Office Action.

Claims 1-2, 4-6, 10-20, and 29 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,996,067 to Burke et al. ("Burke").

Summary of the Response

Claims 1, 12, 14, 16, 18, 20, and 29 are currently amended.

Claims 13, 15, 17, and 19 are canceled.

Claims 30-34 are new.

Claim 2 remains as originally submitted.

Claims 4-6, 10, and 11 remain as previously presented.

Claims 3, 7-9, and 21-28 were previously canceled.

Summary of Claims Pending

Claims 1-2, 4-6, 10-12, 14, 16, 18, 20, 29, and 30-34 are currently pending in this application.

Applicants hereby request further examination and reconsideration of the presently claimed application.

35 U.S.C. Section 102(e) Rejections

Claims 1-2, 4-6, 10-20 and 29 were rejected under 35 U.S.C. § 102(e) as being anticipated

by U.S. Patent No. 6,996,067 to Burke et al (*Burke*). Claims 2, 4-6, 10, and 11 depend from claim

1, and claims 14, 16, 18, and 20 depend from claim 12. Thus, claims 1-2, 4-6, 10-20, and 29 stand

or fall on the application of *Burke* to independent claims 1, 12, and 29. According to MPEP §

2131, "[a] claim is anticipated only if each and every element as set forth in the claim is found,

either expressly or inherently described, in a single prior art reference." Applicants respectfully

submit that *Burke* fails to expressly or inherently disclose each and every element as set forth in

independent claims 1, 12, and 29 and consequently fails to anticipate claims 1, 12, and 29.

Burke fails to expressly or inherently disclose the limitation of pausing prior to determining

said upload or download data transfer rates.

Claim 1 now describes:

> 1. A service node for coupling a remote client to a network having at least one
> server, said service node comprising:
>
> a)   a gateway configured for connection to a network;
> b)   a switch configured for connection to a remote client;
> c)   a data routing system extending from said switch to said gateway,
> said switch, data routing system and gateway collectively forming a
> path, through said service node, configured for coupling said remote
> client to said network;
> d)   a bandwidth measurement device coupled to said gateway, said
> bandwidth measurement device configured for independently
> determining upload or download data transfer rates of data packets
> transferred between said remote client and said gateway;
> e)   a measurement application resident on said bandwidth measurement
> device, said measurement application determining said upload or
> download data transfer rates for said bandwidth measurement
> device**, wherein said bandwidth measurement application**
> **pauses prior to determining said upload or download data**
> **transfer rates until other activity on said remote client has**
> **ended**; and
> f)   an applet maintained by said measurement application suitable for
> download to said remote client and configured for independently

determining upload or download data transfer rates between said
remote client and said gateway.

As shown above, independent claim 1 has been amended to require that the bandwidth

measurement application **pauses** prior to determining said upload or download data transfer rates.

until other activity on said remote client has ended. No new matter has been introduced by this

amendment. Support may be found in the specification as originally filed in at least paragraph

0028. A search of *Burke* for the term "pause" and similar terms did not produce any results of

pausing a bandwidth measurement application. As such, *Burke* fails expressly or inherently

disclose the limitation of pausing prior to determining said upload or download data transfer rates,

and the pending claims 1-2, 4-6, 10-11, and 30-32 should be allowed over *Burke*.

Burke also fails to expressly or inherently disclose the limitations of a measurement

database and a service provider terminal.

Claim 12 now describes:

> 12. An intranet for providing on-demand Internet access to subscribers, said
> intranet comprising:
> > a)   a service node; and
> > b)   a plurality of subscriber terminals, each one of said plurality of
> > subscriber terminals coupled to said service node by a corresponding xDSL
> > line;
> > c)   said service node comprising:
> > > i.   a switch coupled to each one of said plurality of xDSL lines;
> > > ii.   a gateway coupled to the Internet;
> > > iii. a **router coupled to** said switch **and** said gateway, said
> > > switch**, router,** and gateway collectively forming a path, through
> > > said service node, for coupling each one of said plurality of
> > > subscriber terminals to the Internet; and
> > > iv.   a bandwidth measurement device coupled to said **router
> > > and said gateway,** said bandwidth measurement device
> > > configured for independently determining upload or download
> > > data transfer rates between said gateway and requesting ones of
> > > said plurality of subscriber terminals which access said

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bandwidth measurement device, **wherein said bandwidth measurement device further comprises a measurement database coupled to said measurement application, said measurement database maintaining data collected during measurement of said upstream or downstream data transfer rates for said requesting ones of said plurality of subscriber terminals;**

d)   a measurement application resident on said bandwidth measurement device, said measurement application determining said upload or download data transfer rates for said bandwidth measurement device;

e)   an applet maintained by said measurement application suitable for download to said requesting ones of said subscriber terminals **and** configured for independently determining upload or download data transfer rates for said requesting ones of said subscriber terminals; **and**

f)   a service provider terminal coupled to said router, said service provider terminal accessing said data maintained in said measurement database of said bandwidth measurement device through said router.

As shown above, independent claim 12 has been amended to require a measurement database maintaining data collected during measurement of said upstream or downstream data transfer rates. Independent claim 12 has also been amended to require a **service provider terminal** accessing said data maintained in said measurement database **through said router**. No new matter has been introduced by these amendment. Support may be found in the specification as originally filed in at least claim 15 and paragraph 0016. *Burke* discloses in column 5, line 67 through column 6, line 3, "Test results are stored on the TTS server for reference and analysis by LEC personnel including service representatives and technicians." *Burke* does not disclose that the LEC personnel access the test results stored on the TTS server from a service provider terminal through the router. As such, *Burke* fails to expressly or inherently disclose the limitations of a measurement database and a service provider terminal, and the pending claims 12, 14, 16, 18, 20, 33, and 34 should be allowed over *Burke*.

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Burke further fails to expressly or inherently disclose the limitations of determining a

baseline data transfer rate during an initial access of said service node by said remote client.

Claim 29 now describes:

> 29.   A service node for coupling a remote client to a network having at least one server, said service node comprising:
> a)   a gateway configured for connection to a network;
> b)   a switch configured for connection to a remote client;
> c)   a data routing system extending from said switch to said gateway, said switch, data routing system and gateway collectively forming a path, through said service node, configured for coupling said remote client to said network;
> d)   a bandwidth measurement device coupled to said gateway, said bandwidth measurement device configured for independently determining upload or download data transfer rates of data packets transferred between said remote client and said gateway;
> e)   a measurement application resident on said bandwidth measurement device, said measurement application determining said upload or download data transfer rates for said bandwidth measurement device; and
> f)   an applet maintained by said measurement application suitable for download to said remote client and configured for independently determining upload or download data transfer rates between said remote client and said gateway; and
> g)   a baseline data transfer rate **determined during an initial access of said service node by said remote client**, wherein the upload or download data transfer rate between the remote client and the gateway is compared to the baseline data transfer rate to determine whether any problems exist between the remote client and the gateway.

As shown above, claim 29 has been rewritten in independent form and further amended to require

a baseline data transfer rate **determined during an initial access** of said service node by said

remote client. No new matter has been introduced by this amendment. Support may be found in

the specification as originally filed in at least paragraph 0024. *Burke* discloses in column 8, lines

60-64, "[T]he technician ... works with the customer to perform a throughput test to determine if

the supplied link between the customer and the central telephone facilities is operating within

predetermined operational limits." *Burke* does not disclose that the predetermined operational

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limits are a baseline data transfer rate determined during an initial access of the customer to the service provider. As such, *Burke* fails to expressly or inherently disclose the limitation of a baseline data transfer rate determined during an initial access of said service node by said remote client, and the pending claim 29 should be allowed over *Burke*.
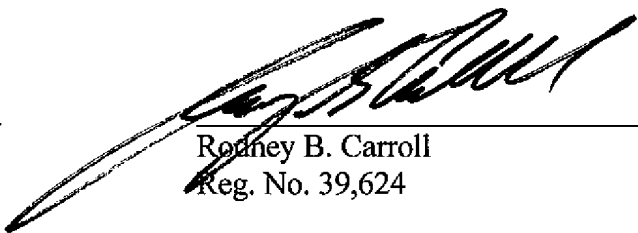
CONCLUSION

Consideration of the foregoing amendments and remarks, reconsideration of the application, and withdrawal of the rejections and objections is respectfully requested by Applicants. No new matter is introduced by way of the amendment. It is believed that each ground of rejection raised in the Office Action dated October 5, 2007 has been fully addressed. If any fee is due as a result of the filing of this paper, please appropriately charge such fee to Deposit Account No. 21-0765, Sprint. If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefore.

If a telephone conference would facilitate the resolution of any issue or expedite the prosecution of the application, the Examiner is invited to telephone the undersigned at the telephone number given below.

Respectfully submitted,

Date: 12-12-07

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